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SENATE BILL 114

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO WORKERS' COMPENSATION; CHANGING ELIGIBILITY  
REQUIREMENTS FOR TEMPORARY BENEFITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-25.1 NMSA 1978 (being Laws 1990  
(2nd S.S.), Chapter 2, Section 10) is amended to read:

"52-1-25.1. TEMPORARY TOTAL DISABILITY--RETURN TO WORK. --

A. As used in the Workers' Compensation Act,  
"temporary total disability" means the inability of ~~the~~ a  
worker, by reason of accidental injury arising out of and in  
the course of ~~his~~ the worker's employment, to perform ~~his~~  
the duties of that employment prior to the date of ~~his~~ the  
worker's maximum medical improvement.

B. If, prior to the date of maximum medical  
improvement, an injured worker's health care provider releases

underscoring material = new  
[bracketed material] = delete

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1 the worker to return to work and [the] an employer offers work  
2 at the worker's pre-injury wage, the worker is not entitled to  
3 temporary total disability benefits.

4 C. If, prior to the date of ~~maximum~~ medical  
5 improvement, an injured worker's health care provider releases  
6 the worker to return to work and the employer offers work at  
7 less than the worker's pre-injury wage, the worker is disabled  
8 and shall receive temporary total disability compensation  
9 benefits equal to [~~sixty-six and~~] two-thirds [~~percent~~] of the  
10 difference between the worker's pre-injury wage and [~~his~~] the  
11 worker's post-injury wage.

12 D. If the worker returns to work pursuant to the  
13 provisions of Subsection B of this section, the employer shall  
14 continue to provide reasonable and necessary ~~medical~~ care  
15 pursuant to Section 52-1-49 NMSA 1978. "

16 Section 2. EFFECTIVE DATE. --The effective date of the  
17 provisions of this act is July 1, 2005.